

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-vs-

**ORDER**

Criminal Action No. 1:21-cr-343 (MAD)

ROBERT J. INGRAO;  
RICHARD SINDE; and  
CHRISTOPHER J. KELLY,  
Defendants.

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BASED ON THE JOINT STIPULATION AND THE FOLLOWING FINDINGS, IT IS  
HEREBY ORDERED:

1. That the sixty (60) day time period, from February 3, 2022 to and including **April 3, 2022**, shall be excludable in computing time under the Speedy Trial Act. Based on the stipulated facts and findings set forth in the joint stipulation which the Court incorporates into this Order and adopts them as findings, the Court further finds, pursuant to 18 U.S.C. §3161(h)(7), that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial.
2. The deadline for the completion of discovery by the United States shall be completed on or before **April 4, 2022** (otherwise due within 14 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial Order). The deadline for the completion of reciprocal discovery by the defendant shall be completed on or before **April 11, 2022** (otherwise due within 21 days of arraignment pursuant to Local Rules of Criminal Procedure and the Criminal Pretrial order).
3. Any pretrial motions in this case shall be filed on or before **April 18, 2022**, and shall be made returnable on submit before Judge Mae A. D'Agostino with no appearances

necessary.

4. Any change of plea shall be entered on or before **May 13, 2022**.
5. All pretrial submissions as set forth in the criminal pretrial scheduling order (*Dkt* #29, 47) are due on or before **May 16, 2022**.
6. A Final Pretrial Conference will be held on **May 31, 2022 at 10:00 a.m.** in Albany before Judge Mae A. D'Agostino. Counsel are directed to report to Judge D'Agostino's chambers for this conference.
7. Jury Trial is scheduled to commence on **June 6, 2022 at 9:30 a.m.** before Judge Mae A. D'Agostino in Albany, New York.

IT IS SO ORDERED

Dated: February 3, 2022  
Albany, New York

  
Mae A. D'Agostino  
U.S. District Judge

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No. 1:21-CR-343 (MAD)
	)	
<b>v.</b>	)	<b>STIPULATION AND ORDER</b>
	)	<b>FOR CONTINUANCE</b>
<b>RICHARD SINDE,</b>	)	
<b>ROBERT J. INGRAO,</b>	)	
<b>CHRISTOPHER J. KELLY,</b>	)	
	)	
<b>Defendants.</b>	)	

Stacey Richman, the attorney for Richard Sinde; Lee Kindlon, the attorney for Robert J. Ingrao; and Kevin O'Brien, the attorney for Christopher J. Kelly, having moved for a continuance of 60 days within which the parties may review discovery and consider pretrial motions in the above-captioned action; and Carla B. Freedman, United States Attorney for the Northern District of New York, Michael Barnett, Assistant U.S. Attorney, appearing, having joined in the request for the continuance and proposed the exclusion of the 60-day period of continuance under the Speedy Trial Act, the parties hereby stipulate and agree as follows:

- 1) The prior proceedings in this case occurred as follows:
  - a) Date of initial appearance or arraignment: Sinde arraigned on October 15, 2021; Ingrao waived arraignment effective October 18, 2021; Kelly arraigned on January 5, 2022.
  - b) Date of indictment: September 28, 2021; Date of Superseding Indictment (adding defendant Kelly): December 14, 2021.
  - c) Defendant custody status: Neither Sinde nor Ingrao is in custody, and each is on pretrial supervision with conditions. Kelly has been in federal custody since January 5, 2022, and prior to that, was in NYDOCCS custody serving an unrelated state term of imprisonment.
- 2) The Court previously ordered the following exclusions under the Speedy Trial Act: the period of time from November 12, 2021 through and including February 9, 2022.

3) The parties have requested the continuance based on the following facts and circumstances:

a) Each defendant is charged with drug crimes that, upon conviction, carry a 10-year mandatory minimum term of imprisonment.

b) The Government made its discovery production on November 10, 2021 to Sinda and Ingrao, and on or about January 5, 2022, to Kelly. The discovery production is comprised of several thousand pages of documents, several hundred photographs, and audio and video recordings. Defense counsel anticipates that reviewing the discovery materials will take additional time, and that defense counsel will need additional time to consider the filing of pretrial motions.

c) Ingrao is in very poor health, and his attorney and the Government need to discuss how to approach that issue going forward.

4) For the foregoing reasons, the parties stipulate and agree that the ends of justice served by granting this continuance outweigh the best interests of the public and the defendants in a speedy trial because the continuance is necessary in order to allow the parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv)). Additionally, for the foregoing reasons, the case is sufficiently complex, due to the nature of the prosecution, that it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act. 18 U.S.C. § 3161(h)(7)(B)(ii).

5) The parties stipulate and agree that a period of 60 days, beginning on and including the date on which the Court signs the requested order, shall be excludable under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(ii), (iv).

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The undersigned attorneys affirm under penalty of perjury the accuracy of the facts set forth above and apply for and consent to the proposed order set forth below.

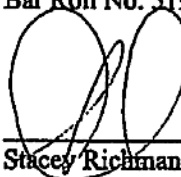
Dated: February 1, 2022

CARLA B. FREEDMAN  
United States Attorney

By:



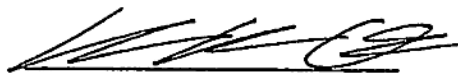
Michael Barnett  
Assistant United States Attorney  
Bar Roll No. 519140



Stacey Richman  
Attorney for Richard Sinde  
Bar Roll No. 703175



Lee Kindlon  
Attorney for Robert J. Ingrao  
Bar Roll No. 511642



Kevin O'Brien  
Attorney for Christopher J. Kelly  
Bar Roll No. 513684

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

<b>UNITED STATES OF AMERICA</b>	)	Criminal No. 1:21-CR-343 (MAD)
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<b>v.</b>	)	
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<b>RICHARD SINDE,</b>	)	
<b>ROBERT J. INGRAO,</b>	)	
<b>CHRISTOPHER J. KELLY,</b>	)	
	)	
<b>Defendants.</b>	)	

ORDER

A. The Court incorporates into this Order the stipulated facts set forth above and hereby adopts them as findings.

B. The Court has considered its obligation under 18 U.S.C. § 3161(h)(7)(A) to determine whether a continuance serves the ends of justice in a manner that outweighs both the public interest and the defendant's rights. The Court finds that pursuant to 18 U.S.C. § 3161(h)(7)(A), the ends of justice served by granting the requested continuance outweigh the best interests of the public and the defendant in a speedy trial because this delay is necessary in order to allow the parties reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and because the case is so complex, due to the nature of the prosecution, that it would be unreasonable to expect adequate preparation for pretrial proceedings or for the trial itself within the time limits established by the Speedy Trial Act, 18 U.S.C. § 3161.

BASED ON THE STIPULATED FACTS AND THE COURT'S RELATED FINDINGS  
IT IS HEREBY ORDERED:

A. A period of 60 days, beginning on and including the date of this Order, shall be excludable in computing time under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(7)(A) and (h)(7)(B)(ii), (iv).

B. Any pretrial motions in this case shall be filed on or before \_\_\_\_\_ and shall be made returnable on \_\_\_\_\_.

C. The trial in this matter shall begin on \_\_\_\_\_ before United States District Judge Mae A. D'Agostino in Albany, New York or, in the alternative, a change of plea shall be entered on or before \_\_\_\_\_.

IT IS SO ORDERED.

Dated and entered this \_\_\_\_\_ day of February, 2022.

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Hon. Mae A. D'Agostino  
United States District Judge